

A

B I L L

TO

Enable the Local Government Electors of any locality to
 Veto the Issue of Licences for the Sale of Intoxicating
 Liquors in Ireland. A.D. 1906.

WHEREAS the traffic in intoxicating liquors is one of the main causes of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community:

5 And whereas it is expedient to confer powers upon local government electors in wards in county boroughs in urban districts, and in rural districts in Ireland to prohibit or control such traffic:

10 Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following terms in this Act shall have the meanings Definitions. assigned to them respectively:

15 "Voter" in this Act shall mean any person whose name shall from time to time be duly entered upon the register of local government electors;

"Ward" shall mean a ward or division of any city or urban district which has been divided into wards or divisions
 20 for the purposes of elections under the Local Government (Ireland) Act, 1898;

"District" shall mean an urban or rural division formed under the Local Government (Ireland) Act, 1898;

[Bill 60.]

A

A.D. 1906.

"Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented distilled or spirituous liquors which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue; 5

"Licence" shall mean any licence for the sale of any intoxicating liquor granted by an officer of excise upon production of a certificate of any recorder of a city or borough or of justices under the provision of any Act now or hereafter requiring such certificate; 10

"Licensing authority" shall mean, as to licences granted in pursuance of certificates given at the recorder's court for any city, borough, or town respectively, and as to renewals of transfers of such licences, the recorder of any city, borough, or town respectively, and as to 15 licences granted in pursuance of certificates given at quarter sessions, and as to renewals or transfers of such licences, the justices or authority empowered to grant such certificates at quarter sessions, and as to other licences, excise licences, and wholesale beer dealers' licences, the 20 justice or justices empowered to grant certificates for the same respectively.

Application of voters for a poll to determine on the adoption or rejection of three resolutions.

2. It shall be lawful at any time *after the passing of this Act* for any number, not being less than one tenth of the whole of the voters in any ward of a county borough, or any ward of an 25 urban district, or in any urban district not divided into wards, or in any rural district, by notice in writing not later than the *first day of June* in any year, to be served upon the returning officer of such county borough, urban district, or rural district, requiring such returning officer to take a poll of the voters in such 30 ward or district for or against the adoption in such ward or district of the three resolutions of the purport and effect hereafter in this section mentioned, such poll to be taken in manner herein-after provided, not later than *twenty-one* days (nor sooner than *seven* days after such notice in writing shall have been so served as 35 aforesaid, and such mayor, chairman of town commissioners, or sheriff shall be the returning officer under this Act. Such returning officer may, if he thinks fit, within *two* days from the service of such notice, require an agreement by or an undertaking from the persons serving such notice, jointly or severally, to pay the 40 returning officer the expenses of proceedings under this Act in case

none of the said resolutions shall be adopted, and such returning officer shall not be bound to proceed under this Act until such agreement or undertaking be given.

A.D. 1906.

- 5 (1) First resolution—That the sale of intoxicating liquors shall be prohibited:
- (2) Second resolution—That the number of licences, excise licences, and wholesale beer dealers' licences, respectively, shall be reduced to a certain number, to be specified in such notice:
- 10 (3) Third resolution—That no additional licences shall be granted.

Except as hereafter in this Act provided, every poll under this Act shall be taken on each of the said three resolutions.

- 15 3. Not later than seven days after receiving such notice, or undertaking, or agreement, as the case may be, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school, and on the usual places for posting notices in the ward or district, and shall cause such notice to be inserted twice
- 20 at least in one or more newspapers (if any) published within the ward or district, or if there are none such newspapers, then in some other newspaper or newspapers circulated therein, duly setting forth the purpose of the said poll, and the said resolutions and the terms of this Act authorising the poll to be
- 25 taken, and specifying on what day (but not later than fourteen days, nor sooner than seven days, after the publication of such notice) and at what place or places within such ward or district the voting for or against the adoption of the said resolutions shall take place.

Notice of time and place for receiving votes for or against the resolutions.

- 30 4. The register of local government electors for the time being of the ward or district, or of the polling district within which such ward of a county borough and rural district shall be situate, shall be conclusive evidence that the persons therein named had or have, during the continuance in force of such register,
- 35 the qualifications annexed to their names.

Proof of voters' qualification.

5. At the time appointed for voting for or against the adoption of the said resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at
- 40 elections under the Local Government (Ireland) Act, 1898:

Mode of voting.

[60.]

A 2

A.D. 1898.

Provided that the ballot papers shall be in the form set forth in the first part of the schedule to this Act, and the form of directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any form prescribed by the Local Government (Ireland) Act, 1893. 5

Resolution
adopted by
majority of
two thirds.

6. Every voter shall have one vote for or against each resolution.

If a majority of two thirds of the votes recorded in respect of any resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be 10 adopted :

Provided that—

- (a) Only one resolution shall be adopted at any one poll ;
- (b) If the first resolution be carried it shall be adopted, whether either or both of the other two resolutions 15 have been carried or not ;
- (c) If the second resolution be carried, and the first be not carried, the second resolution shall be adopted, whether the third resolution be carried or not ;
- (d) If the third resolution be carried, and the first and 20 second be not carried, the third resolution shall be adopted.

Declaration
of poll.

7. The returning officer shall, not later than the day after the poll has taken place, declare the result of the voting, and whether any and which of the resolutions have been adopted or all have 25 been rejected; and if the first resolution has been adopted, the returning officer shall fix such day as he shall think fit, but not later than the *first day of November* then next, when such resolution is to come into operation, and the returning officer shall forthwith cause to be affixed and published notice of such reso- 30 lution, and of the date so fixed in the same manner as herein-before provided for the notices of the poll under this Act. A copy of the notice of such resolution and of the date fixed for its coming into operation shall be conclusive proof in any proceedings under this Act that the said first resolution has been duly adopted, 35 and that the formalities required by this Act have been complied with. When any of the resolutions has been adopted, intimation thereof shall, within seven days from the day on which the result of the voting shall be declared, be sent by the returning officer to the Chief Secretary to the Lord Lieutenant of Ireland 40

for the time being, and to the licensing authority of the ward or district for which such resolution shall have been so adopted.

A.D. 1806.

8. If the first resolution be adopted in any ward of a county borough or in any ward of an urban district, or in any urban district not divided into wards, or in any rural district, then from and after the date when it comes into operation in such ward or district it shall not be lawful to sell, or expose for sale, or barter, or hawk, or otherwise dispose of intoxicating liquors therein; and any person or persons selling or bartering, or otherwise disposing of intoxicating liquors contrary to this Act, shall be guilty of an offence, and, on conviction, be subject to all the penalties prescribed by section three of the Licensing Act, 1872:

First resolution.
Prohibition of sale, barter, or exchange.

Penalties for breach of this Act.

Provided that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts and manufactures, or the sale of intoxicating liquors for medicinal use:

Provided also, that it shall not be lawful for any person in the said ward or district for which such resolution has been adopted to sell any intoxicating liquors for medicinal use, except on prescription of a legally qualified medical practitioner, and unless he is a pharmaceutical chemist, or a chemist and druggist registered under the Pharmacy Act (Ireland), 1875, or any Act amending the same; and it shall not be lawful to sell any intoxicating liquors for medicinal use unless the bottle or other vessel in which such intoxicating liquor is contained be distinctly labelled with the words "intoxicating liquors," and the name and address of the seller; and any person selling intoxicating liquor for medicinal use otherwise than is herein provided shall be liable to a penalty not exceeding *five pounds*, or to imprisonment with or without hard labour for a term not exceeding *one month*, for the first offence; and to a penalty not exceeding *ten pounds*, or to imprisonment with or without hard labour for a term for exceeding *two months*, for the second or any subsequent offence; and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

9. If the second resolution be adopted in any ward or district it shall be the duty of the licensing authority for such ward or district, at his or their next general meeting for granting and renewing certificates, to restrict the total number of certificates granted or renewed by them to or within the number specified in the resolution.

Second resolution.
Reduction of licences.

A.D. 1906.

Third
resolution.
Prohibition
against new
licences.

10. If the third resolution be adopted in any ward or district, it shall not be lawful for the licensing authority for such ward or district, after receiving intimation thereof, to grant a certificate to any person in said ward or district for the sale of intoxicating liquors in any house or premises unless at the time of the adoption of such resolution a similar licence was current and in force for the sale of intoxicating liquors in such house or premises, and any certificate granted in contravention of this section shall be null and void. 5

When a poll
may be again
taken.

11. In any ward or district— 10

- (1) If the first resolution be adopted, a poll may be again demanded in manner provided by this Act, but not for *five years* after the date of such adoption, and in such case a poll shall be taken on the first resolution only: 15
- (2) If the second resolution be adopted, a poll may be again demanded on all the said resolutions, but not for *two years* after the last poll has been taken:
- (3) If the third resolution be adopted, no further polls shall be competent on that resolution, but in that case a poll may be again demanded on the first and second resolutions, but not for *two years* after the last poll has been taken: 20
- (4) If all the resolutions be rejected a poll may be again demanded in manner provided by this Act, but not for *two years* after the last poll has been taken. 25

Expenses.

12. Where a poll has been taken, then, if any resolution under this Act be adopted, or if the first resolution be rejected, the expenses of the proceedings shall be defrayed out of the poor rate. 30

Prosecution
of offences.

13. When any resolution under this Act has been adopted in any ward or district, it shall be competent for any voter in such ward or district to prosecute for offences under this Act.

Short title.

14. This Act may for all purposes be cited as the Liquor Traffic (Local Veto) (Ireland) Act, 1906, and shall apply to Ireland only. 35

SCHEDULE.

A.D. 1908.

PART I.

Form of Ballot Paper.

Counterfoil No.		Resolutions.	For.	Against.
5		I. Prohibition.		
NOTE.—The counterfoil is to have a number to correspond with a number on the back of the ballot paper.		II. Reduction.		
10		III. No additional licences.		

PART II.

- 15 *Form of Directions for the guidance of the Voter in voting, which shall be printed in conspicuous Characters and placarded outside every Polling Station and in every Compartment of every Polling Station.*

The voter may vote for or against each of the three resolutions.

- 20 The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross opposite each resolution either in the column headed "For" or in the column headed "Against," thus X

- The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment, will without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

- 30 If the voter votes more than once for any resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

- If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanour, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Intoxicating Liquors Local Veto (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Definitions.
2. Application of voters for a poll to determine on the adoption or rejection of three resolutions.
3. Notice of time and place for receiving votes for or against the resolutions.
4. Proof of voters' qualification.
5. Mode of voting.
6. Resolution adopted by majority of two thirds.
7. Declaration of poll.
8. First resolution. Prohibition of sale, barter, or exchange. Penalties for breach of this Act.
9. Second resolution. Reduction of licences.
10. Third resolution. Prohibition against new licences.
11. When a poll may be again taken.
12. Expenses.
13. Prosecution of offences.
14. Short title.

SCHEDULE.
